

THESE MINUTES HAVE NOT BEEN APPROVED BY THE COMMITTEE CHAIR

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: September 1, 2004

LOCATION: Room 260

CALLED TO ORDER: 5:06 p.m.

ADJOURNED: 8:43 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman
Sherron Franklin
Lynn McWhirter
William Oliver
Lincoln Plowman
Steve Talley

Absent Members

Scott Schneider

AGENDA

PROPOSAL NO. 492, 2004 – approves an increase of \$84,032 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) for Victim Assistance salaries and fringes, funded by a grant from Indiana Criminal Justice Institute

"Do Pass"

Vote: 6-0

PROPOSAL NO. 493, 2004 – approves a transfer of \$41,470 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) to purchase a van and equipment for the Crime Prevention section

"Do Pass"

Vote: 6-0

PROPOSAL NO. 494, 2004 – approves an increase of \$270,205 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund eight (8) victim advocate positions for various divisions within the Prosecutor's Office, funded by a grant from the Indiana Criminal Justice Institute

"Do Pass as Amended"

Vote: 6-0

PROPOSAL NO. 495, 2004 – approves an increase of \$30,717 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to provide partial funding to Volunteers of America for staff for A Child’s Haven, funded by a grant from Indiana Criminal Justice Institute
“Do Pass”

Vote: 6-0

PROPOSAL NO. 496, 2004 – approves an increase of \$152,000 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund a multi-agency, Operating a Vehicle While Intoxicated/Fatal Alcohol Crash Team, and Operating A Vehicle While Intoxicated Prosecutor (FACT/OVWI), funded by a grant from the Governor’s Council on Impaired and Dangerous Driving and National Highway Traffic Safety Administration
“Do Pass”

Vote: 6-0

PROPOSAL NO. 497, 2004 – approves an increase of \$471,500 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund drinking, seat belt enforcement and public information campaign, funded by a grant from the Governor’s Council on Impaired and Dangerous Driving and National Highway Traffic Safety Administration
“Do Pass as Amended”

Vote: 6-0

PROPOSAL NO. 498, 2004 - approves an increase of \$108,495 in the 2004 Budget of the Marion County Clerk (State and Federal Grants Fund) to fund the Protective Order Pro Bono Project of Greater Indianapolis, Inc., funded by a grant from the Indiana Criminal Justice Institute
“Do Pass”

Vote: 6-0

PROPOSAL NO. 499, 2004 – approves an increase of \$24,152 in the 2004 Budget of Marion County Superior Court (State and Federal Grants Fund) to provide parent/child visitation services, funded by a grant from Indiana Criminal Justice Institute
“Do Pass”

Vote: 6-0

PROPOSAL NO. 500, 2004 – approves an increase of \$30,279 in the 2004 Budget of Marion County Superior Court (State and Federal Grants Fund) to provide direct child advocacy services to Marion County Superior Court, funded by a grant from Indiana Criminal Justice Institute
“Do Pass”

Vote: 6-0

PROPOSAL NO. 501, 2004 - approves an increase of \$48,178 in the 2004 Budget of Superior Court (State and Federal Grants Fund) to provide Guardian Ad Litem representation to every child in Marion County whose case is referred to Child

Advocates by Marion County judges, funded by a grant from Indiana Criminal Justice Institute
“Do Pass”

Vote: 6-0

PROPOSAL NO. 502, 2004 - approves an increase of \$20,044 in the 2004 Budget of Marion County Justice Agency (State and Federal Grants Fund) for the partial salaries and fringes of five (5) employees for Pathway to Recovery, funded by a grant from New Path for Victims
“Postponed” until 09/22/04

Vote: 6-0

PROPOSAL NO. 503, 2004 – approves an increase of \$24,028 in the 2004 Budget of the Marion County Justice Agency (State and Federal Grants Fund) for the salaries of two employees, funded by a grant from the Julian Center’s Family Growth and Development Project
“Postponed” until 09/22/04

Vote: 6-0

PROPOSAL NO. 504, 2004 – approves an increase of \$29,626 in the 2004 Budget of Marion County Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 03/04 to FY 04/05 from a grant funded by the Department of Corrections to assist with the cost associated with starting a Re-entry Court
“Do Pass”

Vote: 6-0

PROPOSAL NO. 505, 2004 – amends the Revised Code to add a new Sec. 451-6 to prohibit the sale and possession of a stun gun
“Postponed” until 09/22/04

Vote: 6-0

BUDGET HEARING

Circuit Court
Marion County Superior Courts

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, September 1, 2004. Chairwoman Mary Moriarty Adams called the meeting to order at 5:06 p.m., with the following members present: Sherron Franklin, Lynn McWhirter, William Oliver, Lincoln Plowman, and Steve Talley. Absent: Scott Schneider

PROPOSAL NO. 502, 2004 - approves an increase of \$20,044 in the 2004 Budget of Marion County Justice Agency (State and Federal Grants Fund) for the partial salaries and fringes of five (5) employees for Pathway to Recovery, funded by a grant from New Path for Victims

PROPOSAL NO. 504, 2004 – approves an increase of \$29,626 in the 2004 Budget of Marion County Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 03/04 to FY 04/05 from a grant funded by the Department of Corrections to assist with the cost associated with starting a Re-entry Court

PROPOSAL NO. 505, 2004 – amends the Revised Code to add a new Sec. 451-6 to prohibit the sale and possession of a stun gun

Councillor Talley moved, seconded by Councillor Oliver, to “Postpone” Proposal Nos. 502, 503, and 505, 2004 to the Committee’s September 22, 2004 meeting. This motion carried by a vote of 6-0.

PROPOSAL NO. 492, 2004 – approves an increase of \$84,032 in the 2004 Budget of Marion County Sheriff’s Department (State and Federal Grants Fund) for Victim Assistance salaries and fringes, funded by a grant from Indiana Criminal Justice Institute

Major Ron Chappell, MSCD Deputy, said that this is the 17th year for this grant and it is for the Victim Assistance Program. It pays the salaries of four Victim Assistance employees working in the Domestic Violence unit.

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal No. 492, 2004 to the full Council with a “Do Pass” recommendation. This motion carried by a vote of 6-0.

PROPOSAL NO. 493, 2004 – approves a transfer of \$41,470 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) to purchase a van and equipment for the Crime Prevention section

Major Chappell stated this is block grant number 7 that was approved in September of 2003 for \$149,100. This is a request to transfer money between Characters to buy a new van and for some computer upgrades to better serve the Crime Prevention section. There is no new money involved.

Councillor McWhirter asked what the age is of the van is that is being replaced and how many miles it has. Major Chappell stated it is a 1990 Dodge Van with 84,781 miles. Councillor McWhirter asked what will happen to the old van. Major Cappell said the van will go to an auction.

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal No. 493, 2004 to the full Council with a “Do Pass” recommendation. This motion carried by a vote of 6-0.

PROPOSAL NO. 494, 2004 – approves an increase of \$270,205 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund eight (8) victim advocate positions

for various divisions within the Prosecutor's Office, funded by a grant from the Indiana Criminal Justice Institute

Lisa Bentley, Chief of Operations for Marion County Prosecutors Office, stated this ordinance is to fund 8 victim advocate positions for various divisions within the Prosecutor's Offices.

PROPOSAL NO. 495, 2004 – approves an increase of \$30,717 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to provide partial funding to Volunteers of America for staff for A Child's Haven, funded by a grant from Indiana Criminal Justice Institute

Lisa Bentley stated this ordinance is to provide partial funding to Volunteers of America for staff for A Child's Haven. The Child's Haven is the drop-in service that is available for victims of domestic violence while they are in court.

Dan Jones, Deputy Auditor, stated the break down of the amounts in the different Characters is incorrect and should read: Salaries \$199 and 150 Fringes, 60,547 in Character 01; Supplies in Character 02 \$1,000, and Other Services and Charges in Character 03 \$9,508. This brings the total to \$270,205.

Councillor Talley moved, seconded by Councillor Oliver, to amend Proposal No. 494, 2004 as presented (Exhibit A). This motion carried by a vote of 6-0.

[Clerks note: Exhibit A is the amended version of Proposal No. 494, 2004 and is on file in Council office]

PROPOSAL NO. 496, 2004 – approves an increase of \$152,000 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund a multi-agency, Operating a Vehicle While Intoxicated/Fatal Alcohol Crash Team, and Operating A Vehicle While Intoxicated Prosecutor (FACT/OVWI), funded by a grant from the Governor's Council on Impaired and Dangerous Driving and National Highway Traffic Safety Administration

George Crooks, Coordinator of the Fatal Alcohol Crash Team (FACT) stated FACT is teams of experienced law enforcement officers who systematically respond to all fatal and serious bodily injury crashes, including hit and run cases. Through their experience and training, these officers will increase the likelihood of identifying and prosecuting impaired drivers in fatal crashes and be more efficient and effective in gathering the necessary evidence to make an arrest with a solid conviction. Mr. Crooks stated that the squad members will be paid over-time while working a particular crash and doing follow-up investigation with monies funded through the Governor's Council on Impaired and Dangerous Driving. From October 1, 2003 through August 7, 2004 the Fatal Alcohol crash team has been called out to 23 crashes. Of these cases, 5 have resulted in guilty pleas to the highest charges, 10 cases are pending trial and 8 are hit and run cases that are presently being investigated.

Mr. Crooks said since this grant's inception, the Prosecutor's Office instituted a system where an OVWI Fatality Prosecutor handled these cases as early as the crash site through screening and hearings until final disposition. This prosecutor will remain on call 24 hours a day to go to a crash scene of a fatal or possible fatal accident to assist law enforcement officers in the investigation. Once the paperwork on the charges has been received in the Prosecutor's Office, it will be screened and prepared for prosecution by the OVWI Fatality Deputy Prosecutor. This prosecutor is also well versed in how to seek toxicological expert testimony and knows how to counter defense objections to the toxicological results and defense expert witness testimony. It is anticipated that this individual's time will be spent on continued local program development, prosecuting Marion County OVWI fatality cases, assisting with overseeing FACT operations and research regarding OVWI issues and case law that can assist in improvement of the arrests and convictions. The OVWI Prosecutor will also assist in the coordination and implementation of at least 10 workshops for EMT personnel on the Fatal Alcohol Crash Team and the importance of them getting called out on potential fatal crashes.

Councillor McWhirter asked how the officer at the scene of the accident would know that this is a case that is handled by FACT or an OVWI Fatality Prosecutor. Mr. Cooks stated if the people involved are still alive and there is a smell of alcohol or some other reason to believe that they are impaired then the officer on the scene would notify the dispatcher. Mr. Cooks stated this is all overtime money.

PROPOSAL NO. 497, 2004 – approves an increase of \$471,500 in the 2004 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund drinking, seat belt enforcement and public information campaign, funded by a grant from the Governor's Council on Impaired and Dangerous Driving and National Highway Traffic Safety Administration

Don Bickel, Director of the Marion County Traffic Safety Partnership, stated Proposal No. 494, 2004 is funded by a grant from the Governor's Council on Impaired and Dangerous Driving and National Highway Traffic Safety Administration, and it is broken down into three separate grants. The first is Operation Pull Over, which is divided into two parts, Driving while Intoxicated (DWI) and seat belt enforcement. The second portion of the grant is called Big City Belts, which is also an enforcement grant that focuses on seat belt enforcement. And the final portion of the grant is called DUI-Indiana, which is also DWI enforcement and there are 7 enforcement activities a month that include one sobriety checkpoint. Mr. Bickel stated in Marion County there are over 5,000 DUI arrests per year.

Councillor Talley moved, seconded by Councillor McWhirter, to amend Proposal No. 497, 2004 by changing the words "to fund drunk drinking, seat belt enforcement" to read "to fund drunk drinking and seat belt enforcement" This motion carried by a vote of 6-0.

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal Nos. 495 and 496, 2004 to the full Council with a "Do Pass" recommendation. This motion carried by a vote of 6-0.

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal Nos. 494 and 497 2004 to the full Council with a “Do Pass as Amended” recommendation. This motion carried by a vote of 6-0.

PROPOSAL NO. 498, 2004 - approves an increase of \$108,495 in the 2004 Budget of the Marion County Clerk (State and Federal Grants Fund) to fund the Protective Order Pro Bono Project of Greater Indianapolis, Inc., funded by a grant from the Indiana Criminal Justice Institute

Valerie Hurd, Financial Analyst of the County Clerk’s Office, stated that this grant will be used to fund the Protective Order Pro Bono Project, which is an organization that provides free legal services to victims of domestic violence. This grant will fund two advocates and one Protective Order intake clerk. The advocates will provide immediate advice and assistance to victims of domestic violence. They also have experience with counseling domestic violence victims and letting them know other options they have as they start the process of filing an official protective order. This grant has a local match of \$36,165.

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal No. 498, 2004 to the full Council with a “Do Pass” recommendation. This motion carried by a vote of 6-0

PROPOSAL NO. 499, 2004 – approves an increase of \$24,152 in the 2004 Budget of Marion County Superior Court (State and Federal Grants Fund) to provide parent/child visitation services, funded by a grant from Indiana Criminal Justice Institute

Sue Patterson, Director of Finance of the Court Service Agency, said Proposal No. 499, 2004 provides parent and child supervised visitation services for families that are referred by Domestic and Civil Courts. This program is funded by a grant from Indiana Criminal Justice Institute.

PROPOSAL NO. 500, 2004 – approves an increase of \$30,279 in the 2004 Budget of Marion County Superior Court (State and Federal Grants Fund) to provide direct child advocacy services to Marion County Superior Court, funded by a grant from Indiana Criminal Justice Institute

Ms. Patterson stated Proposal Nos. 499 and 500, 2004 are specifically related to contracts with Kids Voice to provide services through the Superior Court.

PROPOSAL NO. 501, 2004 - approves an increase of \$48,178 in the 2004 Budget of Superior Court (State and Federal Grants Fund) to provide Guardian Ad Litem representation to every child in Marion County whose case is referred to Child Advocates by Marion County judges, funded by a grant from Indiana Criminal Justice Institute

Ms. Patterson stated Proposal No. 501 is a grant that goes to Child Advocates for the attorneys that represent children involved in domestic related cases at the Juvenile Court. This grant also comes from Indiana Criminal Justice Institute.

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal Nos. 499 - 501, 2004 to the full Council with a “Do Pass” recommendation. This motion carried by a vote of 6-0

PROPOSAL NO. 504, 2004 – approves an increase of \$29,626 in the 2004 Budget of Marion County Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 03/04 to FY 04/05 from a grant funded by the Department of Corrections to assist with the cost associated with starting a Re-entry Court

Brian Barton, Executive Director of Marion County Community Corrections, stated that Proposal No. 504, 2004 is to capture \$29,626 before it goes back to the Department of Corrections (DOC) to help begin a Re-entry Court. Re-entry Court is a national model that allows a community and a judicial system to bring out offenders from prison and re-integrate them back in to the community. The Re-entry Court will be in Judge David Shaheed’s Court who currently presides over the drug treatment Court.

Councillor McWhirter asked if there will be an ongoing funding source. Mr. Barton answered in the affirmative, and explained that for each offender that is transitioned from DOC, there is a daily rate paid by DOC, plus the offenders pay for the cost of some of the programs.

Councillor Talley moved, seconded by Councillor McWhirter, to send Proposal No. 504, 2004 to the full Council with a “Do Pass” recommendation. This motion carried by a vote of 6-0

Marion County Funding Options- Marty Womacks

Martha Womacks, County Auditor, explained Marion County Funding Options (Exhibit B).

[Clerks note: Exhibit B is on file in the Council office with the original set of minutes.]

Some highlights of the presentation include:

- The General Fund and Information Services (Internal Services) funds a majority of the County agencies' revenues.
- Schools makeup the largest proportion of property taxes. Auditor Womacks said schools are not subject to a frozen levy; therefore, they are able to increase their taxes through the years. Marion County receives 9.3% of property taxes.
- Some of the possible appeals for amounts above the maximum levy are: cost of operating a new court and new jail, pension payments increasing greater than 10%, cost of purchasing, upgrading, and expanding a voting system, etc.

- The General Fund levy rate per ordinance is about .2671. The rate needed to generate the maximum levy is almost .0490. The total levy rate would be about .3161.
- The impact of maximum levy to the average taxpayer on a \$100,000 home would be \$19.01.
- Some County budget financing options are: the City requested a Tax Increment Financing (TIF) replacement rate of 0.0150; exercise a lease purchase option on the Coroner's Office to capitalize principal and interest until 2006 to free up \$350,000; Council could suspend the local Homestead Credit, giving the County \$4.6 million of the \$16.5 million; or the Council could approve the maximum levy through appeals and rates for 2005, which will bring in \$19.6 million.
- Marion County is lower than the other five largest counties and surrounding central Indiana counties in local income tax. Marion County income tax rate is 7%.
- All inventory tax is expected to expire in 2007. Ms. Womacks said they would have \$60 million to makeup.

Councillor McWhirter asked if the maximum levy calculation was used, could the Marion County budget be funded as requested? Dan Jones, Deputy Auditor, stated that most of the requests would be funded. Ms. Womacks said there are some items that can be appealed, but that appeal has to be made by September 20, 2004. So if there is an indication that the Council would want the Auditor's Office to take this route, then the Auditor will start preparing the proper documentation.

Councillor Talley asked if the duplicate homestead problem has been corrected. Auditor Womacks stated the Auditor's office is working diligently to remove any duplicate homestead credits. Bills will go out this fall to make up the difference. Ms. Womacks said she is hopeful that there will be some revenue enhancement as a result.

Chairwoman Moriarty Adams asked if there was any idea of how much money might be generated from this correction. Auditor Womacks stated her guess would be about \$1 million.

Kent Burrow, Chief Financial Officer, asked if there is any information on the increase of the county property tax. Ms. Womacks answered in the negative. Mr. Burrow asked if there has been any more information on COIT. Auditor Womacks stated that she received some verbal information stating that it would be about \$104 million but nothing in writing. She said she is waiting on a letter of certification, and as soon as it is received, she will advise the City County Council. Mr. Burrow asked if there was any research on shifting possible expenditures and spending down some of those fund balances in order to maintain service levels without cutting back services. Auditor Womacks said in some cases this process has been used, but each agency and the judiciary have the opportunity to determine whether they are going to expend those

funds. She said this money is also controlled by state statute. Most of the agencies have built up these fund balances over a period of time, and they do not want to deplete these funds all at once.

Circuit Court – Judge Ted Sosin

Judge Ted Sosin, Circuit Court Presiding Judge, said he is representing 59,875 single heads of household who are mainly women that reside in Marion County and 8,332 welfare families, all of whom depend on the Paternity Court and the Marion County Prosecutors offices to help them collect child support.

Judge Ted Sosin, explained the 2005 Budget Presentation for Circuit Court (Exhibit C).

[Clerks note: Exhibit C is on file in the Council office with the original set of minutes.]

Some highlights of the presentation include:

- Inadequate staffing has plagued the proper operation of the Paternity Court for the last three budget cycles
- The County is reimbursed \$66.00 dollars of every \$100.00 spent on the operational costs associated with IV-D cases
- Since the Court's inception, child support collections have dramatically increased reaching \$75,000,000 in 2003 and a projected total of \$80,000,000 in 2004
- The impact of reducing the 2005 budget will cause the termination of the equivalent of one full-time bailiff, and one part-time commissioner in the Paternity Court. With the loss of those employees, the Court will be forced to employ the use of one administrative day per week to allow the remaining staff to address clerical needs;
- One administrative day per week will result in a 20% reduction of Court sessions and a corresponding delay or loss to child support collections, which reached \$75,000,000 in 2003.
- Based upon 2004 figures, 3,500 fewer cases will be heard if there is a 20% reduction in court sessions, and that will result in a backlog of 10,500 cases after only 3 years.
- Over 59,875 single parent heads of household depend upon child support to pay their rent, buy groceries, and do the difficult job of raising children while avoiding public assistance

Judge Sosin said a cut in his budget means that the County will save \$10,000 and this will cause the child support collection process to suffer tremendously.

Councillor Franklin asked if the Circuit Court handles all child support cases. Judge Sosin answered in the negative.

Kent Burrow asked what the actual budget request is for 2005. Judge Sosin said he requested that same budget from 2004 without an increase.

Chairwoman Moriarty Adams asked the County Auditor how much more funding is needed to fund the budget request of Judge Sosin. Ms. Womacks answered \$4,000 more than what the Judge requested.

Marion County Superior Court – Judge Cale Bradford

Judge Cale Bradford, Superior Court Presiding Judge explained the 2005 Budget Presentation for Superior Court (Exhibit D).

[Clerks note: Exhibit D is on file at the Council's office.]

Some highlights of the presentation include.

- Based on the 2003 case filings, statistics indicate that Marion County Courts handle 21% of all the legal business that is criminal and civil in the State of Indiana.
- The Indiana State Supreme Court states that Marion County should have 43 Courts in this county which is 11 more courts than the current 32.
- The Juvenile Detention Center has an overcrowding problem that needs to be addressed or the County will be back in Federal Court for Jail Overcrowding.
- The Marion County Probation Department would require an additional 56 officers to meet the state standards for Probation Officers.
- The 2005 Proposed Budget for Marion Superior Court represents a \$2.48 million decrease from the 2003 actual expenditures when the following costs are excluded: health care, social security, PERF, ISA charges and Building Authority. This cut represents a 7% cut in actual costs incurred in 2003 and brings us back to the pre-2003 budget level.

Councillor Talley asked if there is any saving on the Case Consolidations project. Judge Bradford stated there is still some research that needs to take place before this project can be implemented, due to the fact that the Public Offenders State Commission counts cases instead of

the individuals. Judge Bradford stated that if City County Council or any individual person petitioned the Public Offenders State Commission to change the counting standards from cases to individuals it would help the jail-overcrowding problem tremendously.

Councillor Plowman asked how many people are being released from jail due to over-crowding. Judge Bradford said in the month of August alone there have been 300 plus inmates released. Councillor Plowman asked if the \$38.1 million will stop the inmates from being released due to jail overcrowding. Judge Bradford said that would be the intent.

Councillor Oliver asked if there is a certain criteria that the Jail uses to release the inmates that are let go due to jail overcrowding. Judge Bradford answered that there is a bill matrix system that is used but there are some exceptions to that bill matrix depending on the nature of the crime and the offender.

Judge Bradford, said that if the proposed 2005 budget is adopted then the Law Library would shut down, the Domestic Relations Counseling Bureau would be eliminated and there would be no supervision of convicted criminals.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 8:43 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman
Public Safety and Criminal Justice Committee

MMA/rp